

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**  
**717 MADISON PLACE, N.W.**  
**WASHINGTON, D.C. 20439**

Jan Horbaly  
Clerk of Court

202- 633-6550  
202-633-9632 (F)

December 17, 2004

Dear Reader:

Enclosed is a revised Federal Circuit Rule 27(h), effective December 17, 2004, which should be inserted into the RULES OF PRACTICE dated May 1, 2004.

The change to Federal Circuit Rule 27(h)(4) authorizes the clerk to act on consented to or unopposed motions to extend for not more than 60 days the time for filing a principal brief. This is in addition to the clerk's delegated authority to extend for not more than 30 days the time for taking any other action permitted by the rules or an order of the court. A sentence has been added to the Practice Note following the rule stating no further extensions should be anticipated.

Suggestions regarding the court's Rules of Practice should be submitted to:

Clerk of Court  
United States Court of Appeals for the Federal Circuit  
717 Madison Place, NW  
Washington, DC 20439

or

[rules@cafc.uscourts.gov](mailto:rules@cafc.uscourts.gov)

Thank you for your interest in the United States Court of Appeals for the Federal Circuit. The Clerk's Office is here to serve you.

Sincerely yours,

Jan Horbaly

Enclosure

## **Rule 27. Motions**

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**(h) Delegation of Authority to the Clerk.** The clerk is authorized to act on consented to or unopposed motions to:

- (1) dismiss an appeal, petition for review, or application for an extraordinary writ, with or without prejudice to reinstatement;
- (2) remand or transfer a case;
- (3) reinstate a case that was dismissed by the clerk for failure to comply with the rules;
- (4) extend for not more than 60 days the time for filing a principal brief and extend for not more than 30 days the time for taking any other action required or permitted by the rules or an order of the court;
- (5) extend the time for a court reporter to file the transcript of the trial proceedings with the clerk of the district court;
- (6) stay issuance of a mandate for not more than 30 days pending application to the Supreme Court of the United States for a writ of certiorari;
- (7) consolidate appeals;
- (8) correct a brief or other paper;
- (9) correct or modify a record in accordance with Federal Rule of Appellate Procedure 10(e) or 16(b);
- (10) stay further proceedings;
- (11) withdraw or substitute an appearance;
- (12) advance or continue a case;
- (13) file a supplemental appendix of material inadvertently omitted from the joint appendix; or
- (14) proceed in forma pauperis.

## Practice Notes

[Federal Circuit Rule 27]

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**Limits on Consent Motions; Motions Referred to Panel.** Neither the clerk nor the court is required to grant relief just because the parties agree it should be granted. The clerk's authority to act on specified motions includes the authority to grant the requested relief in whole or part or to refer the motion to a judge or panel. If the clerk grants an unopposed motion to extend the time to file a principal brief by 60 days, no further extensions should be anticipated. Once a case is assigned to a panel, the clerk refers all motions to the panel.